



Entered on Docket
June 17, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining Ninth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Whole or In Part Upon
Investment In The Marlton Square Loan**

Hearing Date: June 14, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "Ninth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Marlton Square Loan ("Marlton Square Loan") [DE 8349] (the "Objection"); the Court having heard the Objection on June 14, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Marlton Square Loan; and
2 good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8349] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed in whole or in part to
6 the extent those claims are based upon an investment in the Marlton Square Loan.
7

8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9 **LEWIS AND ROCA LLP**
10

11 By /s/ John Hinderaker
12 Robert M. Charles, Jr.
13 John Hinderaker (*pro hac vice*)
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18 *Attorneys for USACM Liquidating Trust*
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker.
Attorneys for USACM Liquidating Trust

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**USACM Trust
Marlton Square
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan
10725-02037	1/11/2007	Miller Trust Dated 8/13/87	Gary I & Barbara Miller Ttees 2832 Tilden Ave Los Angeles, CA 90064	1,111,366.00	50,000.00
10725-01480	11/27/2006	Norman & Charlene Prins Revoc Living Trust	Dtd 10/29/03 Norman & Charlene Prins Ttees 7425 W 104 th St Bloomington, MN 55438-2114	118,827.74	50,000.00
10725-01959	1/10/2007	Osherow Trust Dtd 9/11/89	Aaron Osherow Trustee 8025 Maryland Avenue Apt 10-C Clayton, MO 63105	1,088,466.02	50,000.00
10725-02082	1/11/2007	Oster, Paul	Po Box 2618 Mammoth Lakes, CA 93546	308,164.00	51,665.00
10725-02550	6/18/2007	Oswaldo Zunino Living Trust Dated 12/18/98	C/O Oswaldo Zunino Trustee 3575 Tioga Way Las Vegas, NV 89109-3340	620,000.00	100,000.00
10725-00659	10/23/2006	Piazza, Cesari IRA	1401 Monterey Dr Boulder City, NV 89005-2224	138,000.58	85,000.00
10725-02176	1/12/2007	R L Allgeier Family Trust Dtd 10/4/97	Robert Allgeier 1767 Shamrock Cir Minden, NV 89423	430,473.09	50,000.00
10725-01910	1/10/2007	Rebecca A Rogers Trust Dtd 9/18/96	Rebecca A Rogers Trustee 2309 Sierra Heights Dr Las Vegas, NV 89134	548,885.18	50,000.00

EXHIBIT A

2361250.1

**USACM Trust
Marlton Square
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Marlton Square Loan
10725-02496	6/4/2007	Richard N Krupp	101 State Pl Ste I Escondido, CA 92029-1365	250,167.22	250,000.00
10725-00254	10/3/2006	Robert J & Kathleen M Rowley Living Trust	C/O Peter Susi Esq, Michaelson Susi & Michaelson 398 Arboleda Road Santa Barbara, CA 93110	160,000.00	60,000.00

EXHIBIT A

2361250.1